

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Criminal Action No. 06-00421-01-CR-W-DW

SCOTT P. MacDONALD,

Defendant.

MEMORANDUM OF MATTERS DISCUSSED AND  
ACTION TAKEN AT PRETRIAL CONFERENCE

**PENDING CHARGES:** On December 6, 2006, the Grand Jury returned a nine count indictment against defendants Summers, Gallegos, MacDonald and Raney.<sup>1</sup> The indictment charges defendants with conspiracy to distribute five hundred grams or more of methamphetamine and with causing the death of Michael Scoville by using a firearm during and in relation to a drug trafficking crime. The indictment also charges defendants in various counts with possession with intent to distribute methamphetamine; using and carrying firearms during and in relation to a drug trafficking crime; and seeks forfeiture of property.

The following matters were discussed and action taken during the pretrial conference:

**TRIAL COUNSEL:**

Government: Charles Ambrose

Case Agents: Detective Rosewaren-Independence Police Department

Defense: Ron Partee for MacDonald

**OUTSTANDING MOTIONS:** None

**TRIAL WITNESSES:**

Government: 30 witnesses with stipulations; 34 witnesses without stipulations

Defendant: 5 witnesses, defendant MacDonald may testify

**TRIAL EXHIBITS**

Government: 150 exhibits

Defendant: 10 exhibits

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<sup>1</sup>Defendant Summers is scheduled to enter a change of plea on March 11, 2008. Defendant Gallegos is currently undergoing treatment to determine if competency can be restored, and thus, his case has been severed from the other defendants. Defendant Raney has entered a guilty plea.

**DEFENSES:** General Denial

**POSSIBLE DISPOSITION:**

(X ) Definitely for trial; ( ) Possibly for trial; ( ) Likely a plea will be worked out

**TRIAL TIME: 4 - 4 ½ days**

Government's case including jury selection: 3-3 ½ days

Defense case: 1 day for the defendant

**STIPULATIONS:** The government has proposed four stipulations as to expert chain of custody; analysis of drugs seized; ballistics testing; and medical examiner's report. Defense counsel will indicate by the end of the week if he can agree to the stipulations.

**UNUSUAL QUESTIONS OF LAW:** The government will file trial memorandum which will seek to introduce statements of the deceased under the doctrine of forfeiture by wrongdoing ( ie, the defendant has forfeited his right to confront and cross-examine the witness by his own conduct).

**MOTIONS IN LIMINE:** Defense counsel to file any motions in limine no later than March 3, 2008. Any responses due no later than March 7, 2008.

**FILING DEADLINES:**

**Witness and Exhibit List**

Government: Filed.

Defense: To file no later than March 3, 2008.

**Counsel are requested to list witnesses in alphabetical order on their witness list.**

**Exhibit Index, Voir Dire, Jury Instructions: Noon, Wednesday March 12, 2008**

**Please Note:** Jury instructions must comply with Local Rule 51.1

**TRIAL SETTING:** Criminal jury trial docket commencing March 17, 2008.

**Please Note:** Defense counsel is requesting the second week of the docket as he to try another case the first week of the docket.

**IT IS SO ORDERED.**

/s/ Sarah W. Hays

SARAH W. HAYS

UNITED STATES MAGISTRATE JUDGE